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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,367	01/15/2004	Jacques H. Houle	CENT/104/US	5296

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ALIX YALE & RISTAS LLP
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SUITE 1400
HARTFORD, CT 06103

EXAMINER

ABDELWAHED, ALI F

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,367

Applicant(s)

HOULE, JACQUES H.

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities:

It is suggested that in:

Claim 5, line 2, before "...shank..." insert --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,848,869 B2 to Stokey.

Stokey discloses a spot drilling tool (10) comprising: a drill holder (12) having an axis (18) defining a shank (14) with a forward end (16) defining an insert receiving socket (30); and a spot drilling insert (35) comprising: an insert body having a socket-mating portion (77) complementary in configuration to the socket (see fig.1). A drill point (62) integrally extending from an end of the insert body axially opposed to the socket-mating portion (see fig. 4A). The drill point including a pair of substantially linear

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cutting edges (67) inclined rearwardly from a chisel edge (68) at the extreme forward end of the insert (see figs. 3, 4C). Each cutting edge defined by an intersection of a substantially planar flute surface (86) and a substantially conical land surface (84). When the insert is received in the socket, the socket mating portion mates with the socket to position the cutting edges and chisel edge forwardly of the socket at a pre-determined position centered on the axis of the shank (see fig.1). The cutting edges define an included angle of less than 80° and approximately 60° (see columns 3 and 4, lines 66-67 and 1-3, respectively). The drill point includes two linear V-shaped flutes defined by the substantially planar flute surface and a second substantially planar flute surface meeting at a radius (see fig. 3). The flutes being diagonally opposed and diametrically offset in a plane orthogonal to the drill point and separated by a tapered web (82, 83) which supports the chisel edge (see figs. 3, 7C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stokey in view of U.S. Patent No. 5,288,183 to Chaconas et al.

Stokey discloses the claimed invention except for the land surface having an axis of curvature offset relative to the rotational axis. However, Chaconas et al. teaches a

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drill bit (20) comprising a land surface (58, 60) having an axis of curvature offset (RR) relative to the rotational axis (70, see fig. 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spot drill insert of Stokey, in view of Chaconas et al., such that it would provide the spot drill insert of Stokey with the concept of having a land surface having an axis of curvature offset relative to the rotational axis for the purpose of aiding chip removal and reducing friction between the cutting edges of the drill insert and the inner surface of the drilled hole, thereby increasing tool life.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.

AA
07/13/2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER